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4 MICHAEL HINES,
5 Petitioner,
6 v.
7
8 W. L. MUNIZ, Acting Warden,
9 Respondent.
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11 Case No. [15-cv-02428-DMR](#) (PR)
12

**ORDER DENYING LEAVE TO
PROCEED *IN FORMA PAUPERIS*
ON APPEAL**

12 This matter is now before the Court for consideration of Petitioner's motion for leave to
13 proceed *in forma pauperis* on appeal. Petitioner's *pro se* petition for a writ of habeas corpus under
14 28 U.S.C. § 2254—challenging the April 16, 2015 decision by the California Board of Parole
15 Hearings denying him parole—was denied on the merits pursuant to *Swarthout v. Cooke*, 562 U.S.
16 216, 220-21 (2011). A certificate of appealability was denied in the same Order. Petitioner has
17 filed a notice of appeal and a motion for leave to proceed on appeal *in forma pauperis*. The
18 certificate of appealability was denied because “no reasonable jurist would find the denial of his
19 claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). For the same reason,
20 Petitioner's appeal is not taken in “good faith” and consequently leave to proceed on appeal *in*
21 *forma pauperis* is DENIED. *See* 28 U.S.C. § 1915(a)(3).

22 This Order terminates Docket No. 10.

23 IT IS SO ORDERED.

24 Dated: December 21, 2015



25
26 DONNA M. RYU
27 United States Magistrate Judge
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL HINES,
Plaintiff,
v.
W.L. MUNIZ,
Defendant

Case No. [4:15-cv-02428-DMR](#)

CERTIFICATE OF SERVICE

W.L. MUNIZ,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 21, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael Hines ID: E-48946
Salinas Valley State Prison
P.O. Box 1050
Soledad, CA 93960

Dated: December 21, 2015

Susan Y. Soong
Clerk, United States District Court

By: Ivy Lerma Garcia, Deputy Clerk to the
Honorable DONNA M. RYU